

UNITED STATES DISTRICT COURT

Western District of Washington

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

V

TOBECHI ENYINNAYA ONWUHARA

Case Number: CR03-0011C

Michael C Nance
 Defendant's Attorney

THE DEFENDANT:

XX pleaded guilty to Count One of the Superseding Information

MAY 23 2003

pleaded nolo contendere to count(s) _____
 which was accepted by the court

AT SEATTLE
 CLERK U.S. DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 BY _____ DEPUTY

was found guilty on count(s) _____
 after a plea of not guilty

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U S C § 1029(a)(5) and (b)(1)	Illegal Transactions and Attempted Transactions With Credit Card Access Devices	12/12/02	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) _____ (is)(are) dismissed on the motion of the United States

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

Defendant's Soc Sec No: 453-49-9119

LAWRENCE R. LINCOLN
 Assistant United States Attorney

Defendant's Date of Birth: 07/24/79

Defendant's USM No.: 32651-086

May 23, 2003
 Date of Imposition of Sentence

Defendant's Residence Address

FDC SeaTac

[Signature]
 Signature of Judicial Officer

THE HONORABLE JOHN C COUGHENOUR
 Chief United States District Judge

Name & Title of Judicial Officer

MAY 23 2003

Date



CR 03 00011 #00000041

Defendant: TOBECHI ENYINNAYA ONWUHARA
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IMPRISONMENT

The Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of twelve months and 1 day.

☒ The court makes the following recommendations to the Bureau of Prisons.
That defendant be placed in a facility in Texas.

☐ The defendant is remanded to the custody of the United States Marshal

☐ The defendant shall surrender to the United States Marshal for this district

☐ at ☐ a m /p m on _____
☐ as notified by the United States Marshal

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

☐ before 2 p m on _____
☐ as notified by the United States Marshal
☐ as notified by the Probation or Pretrial Services Office

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

United States Marshal

By. _____
Deputy U.S. Marshal

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____

Three (3) years

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime

The defendant shall not illegally possess a controlled substance

For offenses committed on or after September 13, 1994:

____ The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

XX The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)

XX The defendant shall not possess a firearm as defined in 18 U.S.C. § 921 (Check if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

SEE ATTACHED ADDITIONAL CONDITIONS OF SUPERVISION

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer 10 days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substance, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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ADDITIONAL CONDITIONS OF SUPERVISION

- 1 The defendant shall be prohibited from possessing a firearm or destructive device as defined in 18 U.S.C. § 921
- 2 The defendant shall submit to mandatory drug testing pursuant to 18 U.S.C. § 3563(a)(5) and 18 U.S.C. § 3583(d). YES ☐ NO ☒
- 3 The defendant shall submit to a search of his person, residence, office, property, storage unit or vehicle conducted in a reasonable manner and at a reasonable time by a U.S. Probation Officer.
- 4 Restitution in the amount of \$58,531.15 is due immediately. Any unpaid amount is to be deducted from defendant's inmate recovery payment program while incarcerated. The remaining balance is to be paid during the period of supervision in monthly installments as directed by defendant's U.S. Probation Officer. Interest on restitution shall be waived
- 5 The defendant shall provide his U.S. Probation Officer with access to any requested financial information, including authorization to conduct credit checks and obtain copies of defendant's Federal Income Tax Returns.
- 6 The defendant shall be prohibited from incurring new credit charges or opening additional lines of credit without approval of defendant's U.S. Probation Officer.
- 7 The defendant shall not obtain or possess any driver's license, social security number, birth certificate, passport, or any other form of identification without the prior written approval of defendant's Probation Officer; further, the defendant shall not use, for any purpose or in any manner, any name other than defendant's true legal name
- 8 The defendant shall cooperate with and furnish financial information and statements to the Internal Revenue Service to determine all taxes due and owing, including interest and penalties, and shall file any past tax returns in a timely manner. The defendant shall pay in full any outstanding tax liability once assessed, including interest and penalties, or enter into an installment payment plan with Collection Division of the Internal Revenue Service

LRL
MCN

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CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS:	\$100 00	Waived	\$58,531 15

XX If applicable, restitution amount ordered pursuant to plea agreement \$ 58,531 15

FINE

XX **The Court finds that the defendant is financially unable and is unlikely to become able to pay a fine and, accordingly, the imposition of a fine is waived.**

The above fine includes costs of incarceration and/or supervision in the amount of \$ _____

RESTITUTION

____ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case will be entered after such determination

XX The defendant shall make restitution to the following payees in the amounts listed below

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
Discover Financial Services Attn: Restitution Clerk P O Box 3005 New Albany, Ohio 43054 RE: 6011	\$58,531.15	\$58,531.15	100%
<u>Totals:</u>	\$ 58,531 15	\$58,531.15	

INTEREST ON FINES AND RESTITUTION

The defendant shall pay interest on any fine or restitution of more than \$2,500 00, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U S C § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U S C § 3612(g).

XX The court has determined that the defendant does not have the ability to pay interest on any fine and/or restitution, and it is ordered that

XX The interest requirement is waived

____ The interest requirement is modified as follows

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SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A XX in full immediately; or
- B ___ \$ _____ immediately, balance due (in accordance with C, D, or E), or
- C ___ not later than _____; or
- D ___ in installments to commence ___ day(s) after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E ___ in _____ (*e.g., equal, weekly, monthly, quarterly*) installments of \$ ___ over a period of ___ year(s) to commence ___ day(s) after the date of this judgment

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed

Special instructions regarding the payment of criminal monetary penalties

XX MAKE CHECK(S) FOR ALL CRIMINAL MONETARY PENALTIES, INCLUDING SPECIAL ASSESSMENTS, FINES, AND RESTITUTION, PAYABLE TO

United States District Court Clerk, Western District of Washington For restitution payments, the Court is to forward money received to Discover Financial Services, Inc See address on page 5 of this judgment

___ The defendant shall pay the cost of prosecution

___ The defendant shall forfeit the defendant's interest in the following property to the United States

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made as directed by the court, the probation officer, or the United States Attorney